

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

PLANNED PARENTHOOD OF KANSAS
AND MID-MISSOURI d/b/a
COMPREHENSIVE HEALTH OF
PLANNED PARENTHOOD OF KANSAS
AND MID-MISSOURI,

Plaintiff,

v.

PETER LYSKOWSKI, Acting Director of the
Missouri Department of Health and Senior
Services, in his official capacity,

Defendant.

CASE NO.

**PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

1. Plaintiff hereby moves this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a temporary restraining order and, after further proceedings, a preliminary injunction restraining Defendant, his employees, agents, and successors in office from suspending, revoking, or otherwise taking action against Plaintiff Planned Parenthood of Kansas and Mid-Missouri d/b/a Comprehensive Health of Planned Parenthood of Kansas and Mid-Missouri’s (“PPKM”) license to operate an abortion facility in Columbia, Missouri.

2. The revocation is scheduled to take effect at 5:00 pm central standard time on November 30, 2015. Therefore, Plaintiff moves for entry of a temporary restraining order prior to that time, followed by expedited briefing and a hearing to resolve Plaintiff’s request for a preliminary injunction prior to the expiration of the temporary restraining order.

3. As is more fully explained in the accompanying suggestions in support of this motion, a temporary restraining order and preliminary injunction are warranted here because (1) Plaintiff is likely to succeed on its claim that Defendant's revocation of Plaintiff's Abortion Facility License violates Plaintiff's right under the United States Constitution to procedural due process; (2) Plaintiff will suffer irreparable harm if the revocation occurs; (3) the balance of the harms tips in favor of Plaintiff and; (4) the public interest will be served by an injunction.

4. Plaintiff further requests that, given the nature of the relief sought, bond be waived should the Court grant temporary and preliminary injunctive relief.

5. Plaintiff's counsel will attempt immediate service of the Motion on Defendant's counsel via email once the Complaint and Motion have been filed, and will further attempt to notify Defendant by telephone of the Motion as soon as possible.

6. Plaintiff makes this Motion based on the Complaint in this action, the accompanying suggestions in support, the declaration of Laura McQuade, and the exhibits to each of these documents.

Respectfully submitted this 30th day of November, 2015,

s/ Douglas N. Ghertner

Douglas N. Ghertner, Mo. Bar No. 22086
Slagle, Bernard and Gorman
600 Plaza West Building
4600 Madison Avenue
Kansas City, MO 64112-3031
(816) 410-4664
(816) 561-4498 (telefacsimile)
dghertner@sbg-law.com

Arthur A. Benson II, Mo. Bar No. 70134
Arthur Benson & Associates
4006 Central Avenue

Kansas City, Missouri 64111
(816) 531-6565
(816) 531-6688 (telefacsimile)
abenson@bensonlaw.com

Carrie Y. Flaxman (*pro hac vice forthcoming*)
Planned Parenthood Federation of America, Inc.
1110 Vermont Ave., NW, Suite 300
Washington, DC 20005
(202) 973-4830
carrie.flaxman@ppfa.org

Melissa A. Cohen (*pro hac vice forthcoming*)
Planned Parenthood Federation of America, Inc.
434 West 33rd Street
New York, New York 10001
(212) 541-7800
(212) 247-6811 (telefacsimile)
melissa.cohen@ppfa.org

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2015, I served the above document via email on the following:

Nikki Loethen
General Counsel
Missouri Department of Health and Senior Services
nikki.loethen@heath.mo.gov

s/ Douglas N. Ghertner

Douglas N. Ghertner